

CITY COUNCIL
ATLANTA, GEORGIA

01-0-0245

A SUBSTITUTE ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 162, ARTICLE IV, SECTION 162-227 AND SECTION 162-221 OF THE CITY OF ATLANTA CODE OF ORDINANCES; SO AS TO REGULATE THE FEES AUTHORIZED TO BE CHARGED BY NONCONSENSUAL TOWING SERVICE PROVIDERS; TO DEFINE THE TERM NONCONSENSUAL; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Police Department, Councilmembers and other City of Atlanta officials have received numerous complaints from citizens and visitors to the City of Atlanta about unfair and inequitable business practices in the nonconsensual towing service industry; and

WHEREAS, the complaints are, among other things, that certain members of the nonconsensual towing service industry are charging excessive and unreasonable fees for nonconsensual towing; and

WHEREAS, the City of Atlanta has an interest in controlling any business conduct taking place in the nonconsensual towing service industry that is, or appears to be, unprincipled or deceitful; and

WHEREAS, the City of Atlanta is empowered and charged with the responsibility to prohibit unfair and inequitable business practices, and to standardize and make conforming certain fees within its territorial limits, thereby further ensuring the safety of all Atlanta citizens and visitors, especially in the downtown area, where parking is at a premium; and

WHEREAS, the City of Atlanta is empowered and legally and officially charged with the responsibility to prohibit and regulate, by ordinance, conduct and activities within the territorial limits of the City of Atlanta that are deemed by the City to be detrimental and offensive to the peace, safety, good order and general welfare of the City of Atlanta, its citizens and its visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. That Chapter 162, Article IV, Section 162-227 be amended to delete the current language and to insert in lieu thereof the following language:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

- (a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle in excess of **\$95.00** for the nonconsensual removal of the motor vehicle or in excess of \$10.00 per day for storage fees; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee of **\$95.00** shall be all



inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service. However, the maximum fees in this section shall not apply to the nonconsensual towing of vehicles which weigh in excess of two tons.

(b) Nonconsensual motor vehicle towing fees and storage fees shall be established annually by the city council, after receiving recommendations from the department of finance based on financial information submitted by the nonconsensual motor vehicle towing firms, as to their current costs for the removal and storage of vehicles and personal property, and on other information. That information, as well as supporting and quantitative information, shall be submitted by nonconsensual motor vehicle towing firms by October 31 of each year to the Chief Financial Officer.

Section 2. That Chapter 162, Article IV, Section 162-221, Definitions, be amended to add the following to the current language:

"Nonconsensual shall mean without the prior consent or authorization of the owner or operator of the motor vehicle being towed."

Section 3. If it shall be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.


A true copy,

A handwritten signature in black ink, appearing to read "Kris Allen", is written over the text "A true copy," and the title "Deputy Clerk".

Deputy Clerk

ADOPTED as amended
APPROVED by the Mayor

March 5, 2001
March 12, 2001



ARTICLE IV. WRECKERS AND TOWING SERVICES*

*State law reference(s)--Abandoned vehicles, O.C.G.A. § 40-11-1 et seq.; restriction on municipal licensing of wreckers, O.C.G.A. § 48-13-10.1.

Sec. 162-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing wrecked or disabled automobiles or other vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purposes of towing wrecked or disabled automobiles or vehicles.

(Code 1977, § 14-9001)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 162-222. Compliance required.

It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any of the streets of the city any wrecker or towing car without complying with this article.

(Code 1977, § 14-9002)

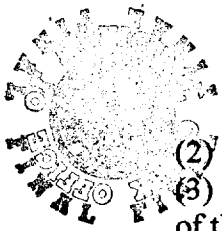
Sec. 162-223. Licensing and registration.

(a) It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any of the streets of the city a wrecker or to do any trespass towing (as defined in O.C.G.A. § 44-1-13) without having obtained a license granted by the mayor as provided in this section.

(b) Every person desiring to obtain a license required in this section shall make written application to the chief financial officer for that privilege upon forms to be prepared and approved by the police permits section. The application shall state the name and address of the applicant; place where the proposed business is to be located; nature and character of the business to be carried on; if a partnership, the names of the partners; if a corporation, the name of the officers; the charges to be imposed for various services; amounts and types of insurance held; such other information as may be required by the police or license review board; and shall be sworn by the applicant or agent thereof. All applicants shall furnish all data, information and records requested of them by the license review board or the department of police, and failure to furnish this data, information and records within 30 days from the date of the request shall automatically result in the dismissal, with prejudice, of the application. Applicants, by filing an application, agree to produce for oral interrogation any persons requested by the license review board, the department of police or the city attorney and considered as being important in the ascertainment of facts relative to the license. The failure to produce a person within 30 days after being requested to do so shall result in automatic dismissal of the application.

(c) It shall be unlawful for any person, either as principal, agent or employee, to use or to operate upon any of the streets of the city any wrecker without having first filed a registration of all these vehicles with the department of police upon forms to be furnished by the department. The information for registration shall contain the following:

(1) The make, model and manufacturer's serial number of the vehicle;



- (2) Date the vehicle was put into service as a wrecker;
 - (3) The driver's license number of the owner, if an operator, and of all other operators of the wrecker;
 - (4) The name of the insurance company with which the owner and all operators have liability insurance coverage with respect to the operation of the vehicle, as required by law;
 - (5) The permit number of each person who shall drive or operate the vehicle on behalf of the owner; and
 - (6) Such other information as may be required by the mayor or the mayor's designee.
- (d) It shall be unlawful for a person hired by the owner of private property within the city to remove vehicles from any off-street parking facility or to do any trespass towing without having first obtained approval of the department of police for the signs required to be posted on the property as provided by section 16-28.014 and as provided by O.C.G.A. § 44-1-13.

- (1) Signs shall be located at each designated entrance to a parking lot or parking area where parking prohibitions are to be effective. Where there is no designated entrance, such signs shall be erected so as to be clearly visible from each and every parking space.
- (2) Such signs shall be 7.5 square feet in area (2.5 feet by three feet).
- (3) Such signs located at a designated entrance to a parking lot shall be at least four feet above the site grade. Where there is no designated entrance, such signs shall be six feet above the grade if vehicles are to be parked between the sign and the maneuvering area for the parking space.
- (4) Such signs shall state in letters at least three inches high that "unauthorized vehicles may be towed away at owner's expense to" Such signs shall also include the following information in letters at least 2 1/2 inches high:
 - a. Such vehicles may be removed at a maximum cost of \$85.00 and stored at a maximum cost of \$10.00 per day for each day thereafter, all of which shall be paid by the owner;
 - b. The address of the location to which such vehicles are towed;
 - c. Checks and credit cards shall be accepted in lieu of cash and for no additional fee;
 - d. No storage fee may be charged if the vehicle has been held less than 24 hours;
 - e. Shall state that these conditions are required by state law and city ordinances; and
 - f. Shall state that complaints may be made to the police at 658-6620.

No abbreviations shall be used. The lettering on such signs shall be black on a white, reflective grade background, and shall be illuminated if out of headlight range.

(Code 1977, § 14-9003; Ord. No. 2000-59, § 1, 11-14-00)

Sec. 162-224. Fees.

The annual application fee shall be \$120.00 for each truck operated by a wrecker service payable by the wrecker company and \$50.00 for each wrecker driver. The annual registration fee shall be \$25.00 for the operation of a wrecker service. All registrations shall expire on June 30 of each year and shall be renewed between June 1 and June 30 of each year.

(Code 1977, §§ 14-9004, 19-14.034)

Sec. 162-225. Revocation of license; appeals from order of revocation.


- (a) The police chief or the chief's designee may revoke the license to operate a wrecker of any person on any of the following grounds:



- (1) If the license to operate was procured by fraudulent conduct or false statement of a material fact;
 - (2) If the licensee proceeds to the scene of an accident in violation of this article;
 - (3) If the licensee uses a police radio to obtain information as to the location of the scene of an accident;
 - (4) If the licensee shall pay in the form of a gratuity any person not interested in an accident for information as to the location of an accident;
 - (5) If the licensee makes any payment to the owner or one in possession of a parking lot or vacant lot in excess of the reasonable and customary fee ordinarily charged by the owner or person in possession of the parking lot or vacant lot for parking thereon, such payment shall be considered a kickback;
 - (6) If the licensee charges fees in excess of those set out in section 162-227 or violates section 162-233; or
 - (7) If the licensee violates O.C.G.A. § 44-1-13 or any section of this article.
- (b) The violation of any three provisions of this article by any owner or by any employee of a wrecker service or company shall result in the automatic revocation of the wrecker service or company's license.
- (c) This revocation shall terminate all authority and permission granted by the license to operate issued to the wrecker owner or any person. Any person whose license has been revoked shall not be eligible to again apply for a license for a period of one year from the date of the revocation.
- (d) Any person whose license to operate has been revoked by the police chief or the chief's designee may file an appeal to the license review board within 20 days from the date of revocation. The license review board shall have authority, upon the hearing of the appeal, to recommend to the mayor to reverse, vacate or modify the order of a revocation. (Code 1977, § 14-9005)

Sec. 162-226. Fingerprints; permits.

- (a) It shall be unlawful for any person to drive, use or operate upon any of the streets of the city any wrecker without first having been fingerprinted by the department of police and having been issued a permit by the department of police indicating that this person is eligible to use, drive or operate a wrecker.
- (b) The department of police shall conduct a complete search relative to any police record of the person fingerprinted. If there is a record of a violation of this article, no permit will be issued and the person shall be ineligible to use, drive or operate a wrecker upon any of the streets of the city; however, any person denied a permit under this section shall have the right of appeal to the license review board.
- (c) Any permit issued under this article shall expire as set forth in this subsection unless earlier canceled or revoked by the mayor or the mayor's designee. The mayor or the mayor's designee may prescribe regulations for certifying the eligibility of this person to continue to use, drive or operate a wrecker without the necessity of this person being again fingerprinted. The annual permit fee shall be \$5.00. This permit shall expire on December 31 of the calendar year for which it was effective and shall be renewed between December 1 and December 31 of each calendar year.
- (d) The owner of the wrecker shall keep all permits issued under this section in a place so that they may be inspected by any member of the department of police at any



time. If the employment of any person possessing this permit is terminated, the permit shall be returned to the person by the owner of the wrecker.

(e) No permit shall be issued to any person who has been convicted in this or any other country within three years immediately prior to the application for this permit of soliciting for prostitution, illegally dealing in narcotics, sex offenses or any other crime involving moral turpitude. Further, this permit shall not be issued to any person who, within the three years immediately preceding the application for this permit, has been convicted of three or more moving traffic violations. To be eligible for this permit, the person applying must possess a current driver's license as provided by the laws of the state. Any person denied a permit under this section or any person whose permit may be revoked under this section shall have the right to appeal this denial or revocation to the license review board.

(f) Any basis set forth in subsection (e) of this section for the denial of a permit shall, if it occurs subsequent to issuance of permit, constitute the basis for a revocation of the permit.

(Code 1977, § 14-9011)

Sec. 162-227. Fees charged.

(a) Any towing and storage firm engaged in the business of trespass towing shall not charge the owner of any towed vehicle or personal property in excess of \$85.00 for the removal of the vehicle or personal property or in excess of \$10.00 per day each day thereafter until the vehicle or personal property is removed from the storage facility. The fee of \$85.00 shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service. However, the maximum fees in this section shall not apply to the trespass towing of vehicles which weigh in excess of two tons.

(b) Trespass towing and storage fees shall be established annually by the council after receiving recommendations from the department of finance based on financial information submitted by the trespass towing firms as to their costs for the removal and storage of vehicles and personal property and on other information. Information shall be submitted by licensees by October 31 of each year.

(Code 1977, § 14-9014; Ord. No. 2000-59, § 2, 11-14-00)

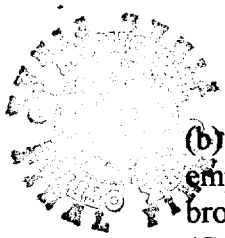
Sec. 162-228. Lettering on vehicles.

It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any street of the city any wrecker unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the wrecker to operate on the streets of the city, the address from which the wrecker is operating and the telephone number. This lettering shall be in a contrasting color to the color of the wrecker and shall be at least 2 1/2 inches in height.

(Code 1977, § 14-9006)

Sec. 162-229. Service calls.

(a) It shall be unlawful for the owner of any wrecker or the owner's agent, representative or employee to go to any place where an accident has occurred unless called by the driver or the owner of the disabled vehicle or by the owner's authorized representative or employee or to go to the place of a wreck because of information received by police radio.



(b) Prior to towing a vehicle from any site where an accident has occurred, the employee of a wrecker service, both public and private, shall clear the road surface of any broken glass and debris resulting from the accident.

(Code 1977, § 14-9007)

Sec. 162-230. City employees soliciting business.

It shall be unlawful for any city employee to solicit business for any wrecker owner or operator.

(Code 1977, § 14-9008)

Sec. 162-231. Solicitation of towing work.

It shall be unlawful to drive along any street or bridge and solicit towing work.

Solicitation of towing work by the operator or the occupant of a wrecker while parked on any street or bridge is also prohibited. A wrecker operator shall not proceed to the scene of a disabled vehicle without having been requested or notified to do so, as provided in section 162-229.

(Code 1977, § 14-9009)

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report to the department of police the fact that the vehicle was removed and its present storage place, together with a description of the vehicle and the tag number. The report shall be made by the wrecker operator by telephonic communication within one hour of the deposit of the vehicle at its storage point.

(Code 1977, § 14-9010)

Sec. 162-233. Impound lot; attendant.

(a) Every person operating a wrecker service within the city shall maintain an impound lot within the city limits, and all vehicles impounded within the city limits shall be delivered to this lot.


(b) Any person operating a wrecker upon the streets of the city and maintaining an impound lot within the city as set forth in subsection (a) of this section shall maintain an attendant at the impound lot 24 hours of every day, and this attendant shall be clothed with the authority to release any impounded vehicle upon the owner meeting the legal requirements for release.

(c) There shall be posted at the entrance to the impound lot nearest the impound lot office a sign, the minimum size of which shall be 24 inches by 24 inches, painted white with red lettering, stating the towing charge, the storage rate per day, that checks and credit cards shall be accepted in lieu of cash and for no additional fee, that no storage fee may be charged if the vehicle has been held less than 24 hours, that these conditions are required by state law and city ordinance, and that complaints may be made to the police permits section at 658-6620. The location of such sign must be approved by the police permits section as provided by state law.

(d) Lighting shall be provided at a minimum average maintained footcandle value of two on a horizontal plane at the finished surface or grade level.

(e) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain records which shall include the following information:

(1) The date and time the call was received by the wrecker service;

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- (2) The name of the caller;
(3) The date and time of initial towing;
(4) The place of initial towing;
(5) The date and time of arrival at the impound lot;
(6) The date and time of release to the owner; and
(7) The name of the wrecker driver and helper.
(f) The records required by subsection (e) of this section shall be maintained at a location where affected members of the public may obtain such information by telephone or in person, during regular business hours. Further, all wrecker services, public and private, which impound vehicles shall register with the department of police the current telephone number of the person responsible for releasing the vehicles.
(g) It shall be unlawful for any wrecker service to operate within the city without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, Mastercard, American Express, Discovery and Diner's Club card. The municipal clerk shall transmit a copy of this subsection to each wrecker service provider.
(h) The records required by subsection (e) of this section shall be maintained at the impound lot required by subsection (a) of this section and shall be made available for inspection 24 hours a day at the request of the department of police.

(Code 1977, § 14-9012)

Sec. 162-234. Vehicle not towed upon operator returning.

The operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property or private property, shall not tow the vehicle away and shall not charge any fee if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

(Code 1977, § 14-9013; Ord. No. 1995-35, 6-25-95)

Secs. 162-235--162-259. Reserved.

Sec. 162-260. Fees charged by vehicle immobilization service.

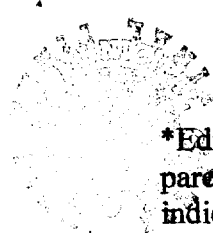
(a) Any vehicle immobilization service engaged in the business of the immobilization of vehicles shall not charge the owner of any immobilized vehicle or personal property in excess of \$50.00 per day for the removal of the vehicle immobilization device or devices. The \$50.00 fee shall be all inclusive; no additional fees may be charged for using other equipment.

(b) Fees may be paid by cash, credit card, or debit card. Credit and debit cards must be processed promptly on-site.

(c) This section shall become effective and enforceable immediately upon adoption by the council and approval by the mayor [December 6, 2000].

(Ord. No. 2000-68, § 1, 12-6-00)

APPENDIX A EXECUTIVE ORDERS*



*Editor's note--Printed herein are various executive orders. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original order. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

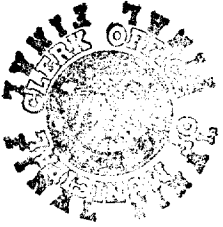
Order No. 77-6



Sec. 162-260. Fees charged.

Removal of vehicle immobilization device(s) . . . 50.00

The \$50.00 fee shall be all inclusive, no additional fees may be charged for using other equipment.



RCS# 2691
3/05/01
6:43 PM

Atlanta City Council

Regular Session

01-O-0245

Amend Code Ch. 162 to regulate the fees
charged by nonconsensual towing services
ADOPT SUB/AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
NV Starnes	Y Woolard	NV Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

01-O-0245

01 Ordinance 0245 (is Line)

AN ORDINANCE BY

PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

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TOWING SERVICE PROVIDERS; AND
FOR OTHER PURPOSES.

ADOPTED BY
MAR 05 2001

COUNCIL

SUBSTITUTE AS AMENDED

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 2/19/01

Referred To: Legal Administration
Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee PS + LA
Date 2/13/01
Chair C. T. W. [Signature]
Referred To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
MAR 5 2001

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
MAR 05 2001

ATLANTA CITY COUNCIL CLERK

MAYOR'S ACTION

APPROVED

MAR 13 2001

MAYOR

[Signature]